S.B.CIVIL WRIT PETITION NO.579/94

Jagdish vs. Municipal Council, Bikaner & Ors.

DATE OF ORDER : 16/10/2006

HON'BLE SHRI RAJESH BALIA, J.

Mr.M.R.Singhvi, for the petitioner.

Heard learned counsel for the petitioner.

The petitioner has acquired the qualification of Prathma from Hindi Sahitya Sammelan, Allahabad in 1981. On the basis of this qualification, the petitioner has claimed that he is eligible to be considered for promotion as L.D.C. against the quota reserved for class IV employees and also alleged that respondent nos. 3 and 4 though junior to him have been so promoted. This led to filing of this writ petition.

After the Full Bench decision in Shanker Lal Verma vs. R.S.E.B. Reported in (1991) 1 W.L.C. Page 1, it is no more a question of debate that qualification held by the petitioner is not included in the eligibility criteria for appointment to the post of L.D.C. since amendment in the Rules of 1959 from June, 1985 and petitioner is not eligible to be appointed on the post of L.D.C. that fell vacant after such amendment. However, in the aforesaid Full Bench decision, the Court has directed that such persons shall continue to be considered eligible

for the vacancies which has arisen prior to amendment in the Rules and remained unfilled.

In view of the above, this petition stands disposed of in light of the aforesaid observations and the directions issued in aforesaid Full Bench decision. No order as to costs.

(RAJESH BALIA), J.

Pankaj Baweja